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 Attorneys for Plaintiff  
 7 United States of America

8 UNITED STATES DISTRICT COURT  
 9 SOUTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,	)	Civil No. 08cv0035-DMS(WMc)
	)	
11 Plaintiff,	)	DECLARATION OF AND
	)	REQUEST FOR CLERK'S
12 v.	)	ENTRY OF DEFAULT AS
	)	TO ALL POTENTIAL
13 ONE 2002 MERCEDES BENZ C32,	)	CLAIMANTS
14 CA LICENSE NO. 5WFJ559,	)	
15 VIN WDBRF65JX2F226748,	)	
ITS TOOLS AND APPURTENANCES,	)	
	)	
16 Defendant.	)	
_____	)	

17  
 18 I, David M. McNees, Special Assistant United States Attorney for the Southern District of  
 19 California, hereby request a clerk's entry of default in this case for the following reasons:

20 On January 7, 2008, a verified complaint was filed in the above action in the United States  
 21 District Court for the Southern District of California against the above-named defendant property,  
 22 ONE 2002 MERCEDES BENZ C32, ("defendant"). On January 31, 2008, the defendant was  
 23 seized and arrested by a duly authorized United States Marshal, who thereafter took possession and  
 24 custody of the defendant, pursuant to the Court's Order appointing the United States Marshal as  
 25 custodian, dated January 10, 2008.

26 On February 1, 8 and 15, 2008, pursuant to Rule G(5) of the Supplemental Rules for  
 27 Admiralty or Maritime Claims and Asset Forfeiture Actions, notice was published in the San Diego  
 28 Commerce newspaper.

On January 10, 2008, Notice of Judicial Forfeiture Proceedings and a copy of the Complaint for Forfeiture were sent by certified mail to the following potential claimants at their addresses of record:

<u>Name and Address</u>	<u>Article No.</u>	<u>Result</u>
Pablo Gomez Avelar 1584 Holt Avenue El Centro, CA 92243	7004 2510 0003 3013 3332	Delivered 01/14/08 per U.S. Postal and Track and Confirm system at usps.com
Patience Renee Thornburg Pablo Gomez Avelar 1597 West Orange Avenue El Centro, CA 92243	7004 2510 0003 3013 3325	Delivered 01/14/08 per U.S. Postal and Track and Confirm system at usps.com

From the time of said notice, no claim or answer has been filed regarding the above-named defendant property by anyone.

For the foregoing reasons, it is requested that the Clerk of the Court enter a default against the defendant property as to any and all potential claimants.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 11th day of April, 2008.

s/ David M. McNees  
DAVID M. McNEES  
Special Assistant U.S. Attorney  
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United States of America  
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